
Introduced by Senators Polanco and Lockyer

February 27, 1997

An act to amend Sections 203 and 205.5 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 1071, as introduced, Polanco. Compensation: agricultural employees.

Existing law provides specific penalties for failure to pay wages when due. These penalties do not apply for failure to pay agricultural employees, as defined.

This bill would apply these penalties for failure to pay agricultural employees.

Under existing law, an employee who quits his or her employment after providing a 72-hour notice is generally entitled to immediate payment and an employee who quits without providing notice is generally entitled to payment within 72 hours.

This bill would apply this provision to agricultural employees.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 203 of the Labor Code is
2 amended to read:
3 203. If an employer willfully fails to pay, without
4 abatement or reduction, in accordance with Sections 201,

1 201.5, ~~and~~ 202, *and* 205.5, any wages of an employee who
2 is discharged or who quits, the wages of ~~such employees~~
3 *the employee* shall continue as a penalty from the due
4 date thereof at the same rate until paid or until an action
5 therefor is commenced; but ~~such the~~ wages shall not
6 continue for more than 30 days. ~~No~~ An employee who
7 secretes or absents himself *or herself* to avoid payment to
8 him *or her*, or who refuses to receive the payment when
9 fully tendered to him *or her*, including any penalty then
10 accrued under this section, ~~shall be~~ *is not* entitled to any
11 benefit under this section for the time during which he
12 *or she* so avoids payment.

13 Suit may be filed for ~~such~~ *these* penalties at any time
14 before the expiration of the statute of limitations on an
15 action for the wages from which the penalties arise.

16 SEC. 2. Section 205.5 of the Labor Code is amended
17 to read:

18 205.5. All wages, other than those mentioned in
19 ~~Section~~ *Sections* 201 *and* 202, earned by any agricultural
20 employee, as defined in Section 1140.4, are due and
21 payable twice during each calendar month, on days
22 designated in advance by the agricultural employer as the
23 regular paydays. Labor performed between the 1st and
24 the 15th days, inclusive, of any calendar month shall be
25 paid between the 16th and the 22nd day of the month
26 during which the labor was performed. Labor performed
27 between the 16th and the last day, inclusive, of any
28 calendar month shall be paid between the first and the
29 seventh day of the following month. Agricultural
30 employees, as used in this section, shall not include *those*
31 employees who are covered by Section 205.

